

36

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: April 20, 2010

FILED

DATE: April 20, 2010

5:18 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Questionnaires / Pending Motions

NATURE OF PROCEEDINGS

COURT REPORTER

Roxanne Tarn

START TIME: 1:46 p.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

This is the time set for the hearing on Jury Questionnaires.

Court and Counsel discuss Jury selection issues.

Upon agreement of Counsel, the Court adds Juror number 249274 to the list of jurors to be stricken for cause. The Court notes that the list now contains 37 jurors, leaving a pool of 228 jurors.

Upon agreement of Counsel, the Court adds two more jurors to the list. The court notes that this leaves a pool of 226 jurors remaining.

Discussion takes place regarding the Jury selection process and privacy issues.

The Court states that it will take from each side a simultaneous memorandum of their position by the hearing on the 28th with regard to the issue of whether or not the Court should close the Courtroom during the Jury selection process.

Discussion takes place with regard to media coverage of the trial.

The Court states that it is the Court's intention that photography shall all occur from the back corner of the Courtroom.

The Court requests that Counsel provide the Court with a draft of preliminary jury instructions by April 29. The Court states that it would appreciate a draft of the final jury instructions at that time as well.

Discussion takes place with regard to *voir dire*, mini openings and scheduling.

The Court states that it intends to have 8 jurors come in for the morning and 8 for the afternoon for each day of Jury selection.

Discussion takes place regarding providing the jurors a written list of witnesses in this matter.

The Court requests that Counsel compile a final list of witnesses to be provided to the jurors.

Court and Counsel discuss exhibits. The Court reminds both sides to provide photographs of physical exhibits.

Both sides shall be prepared to identify their exhibits with the date of disclosure, a Bates number or a Sheriff's Office evidence number. The Court **ORDERS** that Counsel shall exchange this information for their respective exhibits by April 30.

~*~*~*~*~ Recess – 3:37 p.m. ~*~*~*~*~

At 3:56 p.m., Court reconvenes with the presence of all parties previously present.

The Court directs the Jury Commissioner to provide to the Court, and the Court will then provide to Counsel, an alphabetical list of the Jurors that are remaining. The Court will direct the Jury Commissioner to prepare a randomized list based upon those names and to call those jurors in starting May 4 with 8 jurors being called in the morning and 8 called in the afternoon. The morning session will start at 8:30 a.m. and the afternoon session will start at 1:30 p.m.

Discussion takes place with regard to the Defendant being shackled while in the video conferencing room and having documents with him. The State indicates that they will talk with the jail about this issue.

Discussion takes place with regard to the Defendant's documents being searched in his cell.

Discussion takes place with regard to the motions recently filed by the Defense. Response time to these motions is set for April 30. Reply time is set for the following Monday at 5:00 p.m. to allow time to set oral argument prior to the trial. Counsel may email the documents directly to the Division.

Discussion takes place with regard to disclosure issues.

The Court states that will not hold motions with regard to disclosure made after the motion deadline to the motion deadline.

Discussion takes place with regard to laboratory evidence.

Discussion takes place with regard to the jury selection process and the number of alternate jurors needed.

Counsel argue the Hearsay Motion.

The Court states that it will hold both sides to the rules of evidence. For the reasons set forth on the record, the Court denies the motion in part and grants the motion in part.

Discussion takes place with regard to scheduling of hearing on further motions.

Court **ORDERS** that the State shall have its responses filed by April 27 to the motions which are scheduled to be heard on April 28. The State may file written responses or be prepared with oral responses.

The Court confirms voluntariness hearing set for **April 23, 2010, at 9:00 a.m.**

The Court confirms hearing on pending motions set for **April 28, 2010, from 9:00 a.m. to 5:00 p.m.**

END TIME: 5:18 p.m.

cc: VS (e)
Jury Commissioner (re: excused jurors)
Dean Trebesch (Contract Administrator) (PD) (e)
Division 6 (calendar)
YCSO (e)
John Napper, Counsel for Renee Girard (e)
Christopher DuPont, Trautman DuPont PLC, 245 W Roosevelt, Ste. A Phoenix, AZ 85003,
Counsel for Victims Charlotte and Katherine DeMocker